

**THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

PECOLIA DIGGS

Plaintiff

VS.

OSCEOLA POLICE DEPARTMENT

Defendant

*
*
*
*
*
*
*
*

NO: 3:05CV00261 SWW

ORDER

Before the Court is a letter from Plaintiff requesting that the Court “mandate that Defendants['] attorney forward all information, briefs, material, etc . . . ” to Plaintiff at least ten days before filing such materials with the Court. Plaintiff makes her request in order to gain “an equal and timely right to present . . . any rebuttal . . . before the Court [rules] on a motion for summary judgment.”

Under Federal Rule of Civil Procedure 5(a), parties must serve every written motion upon each party, and under Rule 5(d), all papers required to be served on a party must be filed with the Court within a reasonable time after service. Accordingly, Defendant is obligated to serve Plaintiff a copy of all motions and supporting papers filed in this case.

Pursuant to Local Rule 7.2 and Federal Rule of Civil Procedure 6(e), Plaintiff has 14 days after a motion has been served in which to file a response opposing the motion. If Plaintiff requires an extension of time to file a response, she should file a motion for an extension before the deadline for filing a response has expired. Additionally, if Defendant fails to serve a motion

or other paper required to be served upon Plaintiff, Plaintiff should inform the Court so that appropriate action can be taken.

Because the Federal Rules of Civil Procedure and Local Rules provide Plaintiff an adequate opportunity to respond to a motion for summary judgment, and to request an extension to respond if necessary, Plaintiff's request that the Court order Defendant to serve her with copies of any motion ten days before the motion is filed with the Court is DENIED. Plaintiff is reminded that as a *pro se* litigant, she is obligated to be familiar and comply with the Federal Rules of Civil Procedure and the Local Rules of this Court.

IT IS SO ORDERED THIS 28TH DAY OF NOVEMBER, 2006.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE